

For Immediate Release

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Sheriff Larry Smith Mandates Policy Changes & Comprehensive Case Filing Process

Pursuant to Texas Criminal Code, Article 17.151, within 90 days, a defendant accused of a felony and detained in jail pending trial of an accusation against him must be released either on personal bond or by reducing the amount of bail required, if the state is not ready for trial of the criminal action for which the defendant is being detained. In such a case, a judge makes the determination of personal bond or reduced bail, but does not dismiss the charges for which the defendant was jailed.

In July of 2014, several Smith County Sheriff's Office cases were not filed in a timely manner. As a result, Sheriff Larry Smith tasked his Criminal Investigation Division Command Staff to develop a plan to ensure that cases were filed timely.

A plan was subsequently developed that mandated cases be filed with the District Attorney's Office within a reasonable time in order for them to be indicted within ninety days. This plan was approved by Sheriff Smith and worked as designed until March of 2015.

In March of 2015, one case was determined not to have been filed timely, which allowed two armed robbery suspects to be released by a judge on personal recognizance bonds. Both remain on those personal recognizance bonds set by 114th State District Judge Christi Kennedy. These bonds were set with strict conditions, which required both defendants to submit to drug testing on a weekly basis with Adult Probation, ordered not to possess or consume any alcoholic beverage, illegal drug, or narcotics as a condition of the bond, and ordered to obey all laws. Should either of the defendants be found in violation of these conditions or fail to report to Adult Probation on a weekly basis, the bond would be withdrawn and the suspects ordered back to jail.

Upon learning of the most recent failure to file a case with the DA's office in a timely manner, Sheriff Larry Smith ordered Chief Deputy Robert Carlson to conduct an internal investigation into the matter. Sheriff Smith personally participated in the investigation and the subsequent process to develop a thorough plan of action to ensure that all required paperwork, data entry, and case filings are completed and cases filed on time.

Sheriff Larry Smith said, “I had no absolutely no reason to doubt the plan developed by our Criminal Investigation Division supervisors after the July 2014 incident would fail. We believed that plan of action and a better communication strategy with the District Attorney’s Office would solve the problem. The March 2015 case in which we failed to meet the timely filing deadline proved we had more work to do. The goal of this Sheriff’s Office is a 100% timely case filing record.”

As a result of the investigation, one detective was placed on administrative leave without pay for failure to timely file the armed robbery case with the District Attorney’s Office. Based on the detective’s long-term record of outstanding job performance as well as other underlying factors, Sheriff Smith set the consequences at one day of administrative leave without pay and the matter is noted in the detective’s personnel file for future job performance evaluation.

Sheriff Larry Smith, his Criminal Investigation Division staff, and an independent consultant reviewed the operating procedures instituted in July 2014 to determine where and why the failure occurred. The team contacted a District Court and the District Attorney’s Office to determine how those offices assess the time in custody of an unindicted defendant. It was determined that in both cases, the courts and DA’s Office use the internal Criminal Court System database to help make this determination; however, the Sheriff’s Office did not have access to this particular data base. The only portion of that system available to Sheriff’s Office management and the Criminal Investigation Division was Ableterm’s Law Enforcement Module, which does not calculate days incarcerated or show if a defendant has been indicted. After getting help from the Smith County District Clerk , the Sheriff’s Office now has access to that particular database.

A comprehensive thirteen page document with step by step instructions has been prepared with new procedures to ensure timely case filing. That document can be found on the Smith County Sheriff’s Office Website @ www.smithcountysheriff.com under “Policy Update”.

Summary of written corrective actions and policy changes:

1. Established Time Frames Pertaining to Case Management
2. Established standard operating procedures routing of Cases from Patrol to Criminal Investigation Division
3. Established standard operating procedures for Spillman Computer Aided Dispatch Case Management
4. Established Specific Instructions for Warrant Division
5. Constructed spreadsheet tool for cases that have been filed with the District Attorney’s Office
6. Established access to Ableterm mining of information relative to number of days inmate is incarcerated without an indictment having been received
7. Require monthly Detective Monthly spreadsheet and Self Audit report

The current policy regarding compliance with the above listed items is in the process of being updated. Failure to comply with policy and procedures regarding these mandated requirements will be dealt with strictly and swiftly. It will include a penalty of no less than three days off without pay and the possibility of termination.

For more information on the Smith County Sheriff's Office, visit www.smithcountysheriff.com. The Sheriff's Office also has a Facebook page and can be followed on Twitter at @SmithCSO.